

Major North Carolina Legislation Related to Immigration (2006-2011)

2006

E-VERIFY MADE MANDATORY FOR NEWLY HIRED EMPLOYEES OF PUBLIC AGENCIES

Section 23.1 of S.L. 2006-359

- Each State agency, department, institution, university, community college, and local education agency is required to verify the work authorization of newly hired employees through what is now known as the E-Verify system.
- Does not apply to contractors or subcontractors.

287(G) PROGRAM PARTICIPATION MADE NOT VIOLATIVE OF DUAL OFFICE HOLDING PROHIBITION

Section 24 of S.L. 2006-259

- Permits local law enforcement participation in the 287(g) program.
- Clarifies that participation in the program does not violate the prohibition on dual office holding.

SOCIAL SECURITY NUMBER REQUIRED TO OBTAIN A DRIVERS LICENSE, LEARNERS PERMIT, OR ID

Section 35.2 of S.L. 2006-264

- Requires that applicants for drivers licenses, learners permits, or identification cards provide a valid social security number (except for those in the country for a limited duration who possess a valid visa of limited duration, in which case the license shall expire no later than the period of lawful presence).
- Prior law had allowed applicants to present an Individual Taxpayer Identification Number (ITIN) as an alternative.

2007

JAILORS MUST ATTEMPT TO DETERMINE IF CERTAIN CONFINED PERSONS ARE LAWFULLY PRESENT

S.L. 2007-494

- Requires the administrator of a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit, to attempt to determine whether persons confined and charged with a felony or impaired driving offense are lawfully present in the United States.
- If the determination cannot be made, the administrator must, where possible, make a query of the person's status through the federal Immigration and Customs Enforcement (ICE) agency.

\$750,000 APPROPRIATED TO SHERIFF'S ASSOCIATION FOR IMMIGRATION ENFORCEMENT

2007 Budget Money Report, Page I-15, Item 80

- Provided \$750,000 for a nonrecurring Governor's Crime Commission grant to the North Carolina Sheriff's Association to be used for technical assistance and training associated with immigration enforcement.

2008

LIMITED RELEASE OF INMATES FROM PRISON FOR DEPORTATION AUTHORIZED

S.L. 2008-199

- Authorized the conditional release into ICE custody of inmates who (i) were convicted of certain nonviolent criminal offenses; (ii) are subject to a final order of removal (deportation); (iii) have served at least half of their sentence; (iv) were not convicted of an impaired driving offense resulting in death or serious bodily injury; and (v) agree not to unlawfully return to the United States.

2011

E-VERIFY MADE MANDATORY FOR LOCAL GOVERNMENTS AND SOME PRIVATE EMPLOYERS

S.L. 2011-263

- Requires counties and municipalities to use E-verify for all new employees, effective October 1, 2011.
- Requires private employers with 25 or more employees to use E-Verify with staggered implementation based on number of employees, fully effective July 1, 2013.
- Penalties for failure to use E-Verify are based on how many violations an employer has and can be as high as \$2,000 for each required verification that an employer failed to make.
- Private citizens may file complaints; the Commissioner of Labor investigates, holds hearings, and imposes penalties.